

Remarks

The present amendment and response is believed to be fully responsive to the Non-final Office Action mailed on October 20, 2008. Claims 1-53 have been examined and are rejected. Attorney for the Assignee respectfully requests reconsideration of the application in view of the accompanying amendments and remarks. The present amendment amends independent Claims 1, 13, 28, and 41, and dependent Claim 43, 44, 51, and 53 to clarify the scope of the claimed inventions. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-9, 13-15, 17-19, 22-37, and 41-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton, et al., U.S. Patent No. 5,679,940 (“*’940 Patent*”), in view of Templeton, et al., U.S. Publication No. 2003/0130919 (“*Templeton*”), and Melchior, et al., U.S. Publication No. 2002/0178021 (“*Melchior*”). Additionally, Claims 10-12, 16, 20, 21, 38-40, and 51-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over the *’940 Patent*, in view of *Templeton* and *Melchior*, and in further view of Nichols, et al., U.S. Publication No. 2002/0088849 (“*Nichols*”).

By the present amendment, independent Claims 1, 13, 28, and 41 have been amended in order to clarify the scope of the claimed invention of independent Claims 1, 13, 28, and 41. Specifically, independent Claim 1 has been amended to recite “a risk assessment component ... that obtains additional merchant parameters from at least one associated memory device” and “selects, based at least in part on the additional merchant parameters, one or more of a plurality of risk assessment engines to evaluate the transmitted transaction information” (Underlining supplied). Independent Claims 13, 28, and 41 have been amended in a similar manner. Support for these amendments may be found at least in paragraphs [0039] and [0050] of the Specification and in Figure 2. For example, paragraph [0050] states in part:

[0050] ... The merchant parameters may include preference thresholds or classifications for determining low, moderate, and high risk assessment

values. The merchant parameters may further include preferred risk engines, internal databases, and external databases to be used when evaluating risk for a particular financial transaction. It should be appreciated that the merchant records and parameters may be saved in a memory device and accessed whenever the merchant requests approval for a financial transaction.

In marked contrast to the claimed inventions, neither the '*940 Patent*, *Templeton*, *Melchior*, nor *Nichols*, either taken alone or in any combination thereof, disclose, teach or suggest the element of selecting a risk assessment engine based at least in part on additional merchant parameters that are obtained or accessed from at least one memory device associated with the risk assessment component. More specifically, as recognized by the Office Action, the '*940 Patent* does not teach or suggest obtaining additional merchant parameters. Accordingly, the '*940 Patent* does not teach or suggest obtaining additional merchant parameters from at least one memory device associated with the risk assessment component or selecting a risk assessment engine based at least in part on the obtained additional merchant parameters.

Templeton also fails to teach or suggest these features. While the *Templeton* reference does relate to a system that receives merchant parameters (See *Templeton* at paragraph [0124]), there is no teaching or suggestion in *Templeton* of obtaining additional merchant parameters from at least one memory device associated with the risk assessment component. In marked contrast, *Templeton* relates to systems and methods in which merchant identifying information and a class of merchant are included in transaction information that is communicated to a check acceptance service from a merchant (See *Templeton* at paragraph [0124]). Thus, any merchant parameters utilized in *Templeton* are merchant parameters that are received with an authorization request for a transaction. There is no teaching or suggestion of the check acceptance service of *Templeton* obtaining additional merchant parameters from at least one associated memory device.

Furthermore, there is no indication in *Templeton* of selecting a risk assessment or risk scoring engine based at least in part on the obtained additional merchant parameters. The Office Action cites to paragraphs [0072], [0124], and [0133] of *Templeton* to argue that *Templeton*

teaches the selection of a risk assessment or risk scoring engine based at least in part on obtained additional merchant parameters. However, it is respectfully asserted that the cited portions of *Templeton* do not teach or suggest these features. Although paragraph [0072] of *Templeton* discusses the selection of a scoring engine, the process utilized to select the scoring engine is not discussed. Similarly, paragraph [0124] does not discuss the selection of a scoring engine. The only portion of the cited text that discusses the selection of a scoring engine is paragraph [0133], which is set forth in part below:

[0133] As described in FIG. 9, the process 396 begins in state 418 where transaction details for the current transaction, along with any associated stored historical information for the customer, are received. Using the information received in state 418, the process 396 determines in state 420 which scoring engine 154 is appropriate for assessing the current transaction ...

Although paragraph [0133] of *Templeton* relates to the selection of a scoring engine, there is no teaching or suggestion in the cited text of selecting a scoring engine based at least in part on additional merchant parameters obtained from at least one memory device associated with the risk assessment component. Instead, an appropriate scoring engine is determined utilizing the transaction details and historical information from the customer. As discussed above, the transaction details do not include additional merchant parameters that are obtained from at least one memory device associated with the risk assessment component. In marked contrast, the transaction details include information that is received from a merchant with a request to authorize a transaction (See *Templeton* at paragraph [0124]). Additionally, the historical information from the customer does not include additional merchant parameters that are obtained from at least one memory device associated with the risk assessment component. Therefore, it is respectfully submitted that *Templeton*, either taken alone or in any combination with the other cited references, does not teach or suggest each and every element of the amended independent claims.

Additionally, neither *Melchior* nor *Nichols* teach or suggest selecting a risk assessment engine based at least in part on obtained additional merchant parameters. There is no teaching or suggestion in *Melchior* of selecting a risk assessment engine, much less selecting a risk assessment engine based at least in part on additional merchant parameters. The *Nichols* reference also fails to teach or suggest these features.

As a result of selecting a risk assessment engine or group of risk assessment engines, improved accuracy in determining a risk score may be achieved (See, for example, Specification at paragraph [0039]). In example embodiments of the invention, a merchant may utilize merchant parameters to specify which risk assessment engines are utilized to analyze a transaction. In this regard, the accuracy of the risk score determination may be controlled by the merchant as desired in certain embodiments of the invention. A merchant choice or preference of one or more risk assessment engines may be taken into account in certain embodiments of the invention. The cited art references do not teach or suggest this feature.

For at least these reasons, it is respectfully asserted that amended independent Claims 1, 13, 28, and 41 are allowable over the '970 *Patent*, *Templeton*, *Melchior*, and *Nichols*, either taken alone or in any combination thereof. Therefore, it is respectfully contended that the amended independent claims are in condition for allowance.


Additionally, it is respectfully submitted that dependent Claims 2-12, 14-27, 29-40, and 42-53 are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features. Accordingly, it is respectfully asserted that all of the pending claims of the application are in condition for allowance and prompt allowance of the same is requested.

CONCLUSION

It is respectfully asserted that each matter raised by the Office Action has been responded to. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Rhett S. White
Attorney for the Assignee
Registration No. 59,158

Date: **December 4, 2008**

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, Georgia 30309-3996
Telephone: (404) 853-8037
Facsimile: (404) 853-8806

(First Data 040800US)
Attorney Docket No.: 34250-1209